

## REMARKS

### SUMMARY

In the Office Action of November 10, 2004, the Examiner rejected Claims 1 through 15 under 35 U.S.C. §103(a). These were claims previously considered in the parent application, now U. S. Patent No. 6,748,962.

New Claims 61 through 72 are directed to subject disclosed but not previously claimed. Applicant believes that these new claims distinguish Applicant's invention from the prior art cited against the cancelled claims. This prior art does not in any way suggest using a tensioning member as a flexible joint and as a device to rigidize and collapse a geodesic support structure. Applicant believes this distinction was the subject of discussions between his former patent attorney and the Examiner Winnie Yip, ultimately resulting in the granting of U. S. Patent No. 6,748,962.

### NO SURRENDER OF PATENTABLE SUBJECT MATTER

The Applicant does not consider canceling Claims 1 through 60 an amendment as contemplated in Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., et al 535 U. S. 722 (2002), resulting in surrendering any patentable subject matter. The new claims are directed to subject matter different from the subject matter of cancelled claims 1 through 60, but subject matter disclosed and not claimed until now. Therefore, the new claims are entitled to the application of the doctrine of equivalents under Warner-Jenkinson v. Hilton Davis Chemical Co., 520 U. S. 17 (1997).

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In view of the above, the application is deemed to be in a condition for allowance and such action is solicited.

#### INFORMATION DISCLOSURE STATEMENT

Enclosed herewith is an Information Disclosure Statement and Cheque No. 1963 in the amount of \$180 to cover the required fee. If any additional charges are required, please charge Applicant's attorney's deposit account as authorized below.

#### TELEPHONE INTERVIEW

If the Examiner believes that a telephone interview would advance the allowance of this application, Applicant's attorney requests the Examiner call to arrange a date and time for such interview after having an opportunity to review the above.

#### EXTENSION OF TIME

A one (1) month extension to reply to the last Office Action is requested as indicated below.

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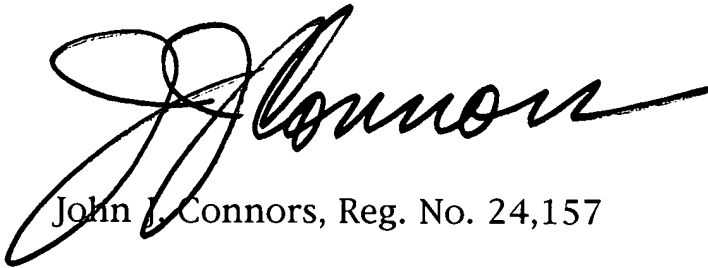
**EXTRA FEE**

Enclosed is Cheque No. 1964 in the amount of \$200 to cover the additional claims added by the above amendment to the claims.

**CUSTOMER NUMBER**

Please note Applicant's attorney Customer No. 021905, and confirm that this customer number has been entered in the U. S. Patent & Trademark Office records in connection with the above-identified application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Connors", with a large, stylized initial "J" and a long, sweeping horizontal stroke at the end.

John J. Connors, Reg. No. 24,157

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being mailed with the United States Postal Service as First Class Mail, the correct postage paid, in an envelope addressed to: Honorable Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-145020231, on March 14, 2005

By: \_\_\_\_\_

## REQUEST FOR EXTENSION OF TIME

Applicant respectfully request an extension of time to reply to the last Office Action from February 18, 2005 to March 18, 2005. Enclosed is Check No. 1962 in the amount of \$ 60 to cover the fee for this extension of time.

By: \_\_\_\_\_

## AUTHORIZATION TO CHARGE/CREDIT DEPOSIT ACCOUNT

The commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 03-2830.

By: \_\_\_\_\_